



An
Bord
Pleanála

Board Order
ABP-318156-23

Planning and Development Acts 2000 to 2022

Planning Authority: Tipperary County Council

Planning Register Reference Number: 2360580

Appeal by Wild Ireland Defence CLG care of Peter Sweetman and Associates care of PO Box 13611, Bantry, County Cork against the decision made on the 21st day of September, 2023 by Tipperary County Council to grant subject to conditions a permission to Kieran Ryan care of Aidan Kelly of Molough, Newcastle, Clonmel, County Tipperary in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a slatted loose shed with underground effluent tank, roofed manure stead area and all associated site works; retention of slatted loose shed with underground effluent tank also required at Gortshane, Newport, County Tipperary.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development within an established agricultural farmyard, it is considered that, subject to compliance with the conditions set out below, the proposed development and the development proposed to be retained would not seriously injure the visual amenities of the area, would not be prejudicial to public health and would be acceptable in terms of environmental sustainability. The proposed development and the development proposed to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board agreed with the Inspector's conclusions that the proposed development would not have a likely significant effect on any European Site, either alone or in combination with other plans and projects. It is, therefore, determined that an Appropriate Assessment (Stage 2) (under section 177V of the Planning and Development Act 2000) is not required and that this conclusion is based on:

- The limited zone of influence of potential impacts, restricted to the immediate vicinity of the proposed development.
- Standard pollution controls that would be employed regardless of proximity to a European site and effectiveness of same.
- Distance from European Sites.
- Impacts predicted would not affect the conservation objectives,

and that no measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

Conditions

1. The proposed development shall be carried out and completed and the development proposed to be retained shall be retained in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed and the development proposed to be retained shall be retained in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The buildings shall be used for agricultural/horticultural storage and associated purposes only. The building shall not be used for human habitation or any commercial purpose other than a purpose incidental to farming/horticulture, whether or not such use might otherwise constitute exempted development.

Reason: In the interests of orderly development and the amenities of the area.

3. The finishes of the proposed development shall match those of the existing farm complex buildings.

Reason: In the interest of visual amenity.

4. The proposed development shall be designed, cited, constructed and operated in accordance with the requirements as outlined in the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations, 2022, as amended.

The applicant shall provide for the relevant (location dependent) storage requirements as outlined in Schedule 3 of the aforementioned regulations. The landspreading of soiled waters and slurry (which does not form part of this application) shall be carried out in strict accordance with the requirements as outlined in the aforementioned regulations. Prior to the commencement of the development, details showing how the applicant intends to comply with this requirement shall be submitted to, and agreed in writing with, the planning authority.

NOTE: Where 20% or more of the holding lies within one or more counties of higher storage requirement as specified the holding shall be deemed for the purposes of the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations 2022, as amended, to lie wholly within the county in relation to which the longest storage period is specified.

Reason: In order to avoid pollution and to protect residential amenity.

5. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.

Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.

6. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Liam Bergin

Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this 20th day of December 2024.